

ARTICLE APPEARED
ON PAGE 120THE NEW YORK TIMES
1 December 1981

Official Denies C.I.A. Employed Man Accused of Shooting Libyan

FORT COLLINS, Colo., Nov. 30 (UPI) — A Government official testified today that Eugene A. Tafoya was never employed by the Central Intelligence Agency, although he has maintained he was acting on agency orders when he shot a Libyan dissident.

The testimony by the rebuttal witness for the prosecution came after the defendant, Mr. Tafoya, concluded nearly three days of testimony on his own behalf.

Mr. Tafoya, who is charged with attempted murder and conspiracy, has said he believed he was carrying a message for the intelligence agency when he shot the dissident, Faisal Zagallai, at the Libyan's apartment on Oct. 14, 1980. Mr. Tafoya said he fired only after Mr. Zagallai attacked him.

Mr. Zagallai, a graduate student at Colorado State University, recovered from two bullet wounds to the head, but he lost the sight in one eye.

No Record of Employment

George Marling, chief of the operations group of the intelligence agency, testified that there was no record that Mr. Tafoya had ever either worked for the agency or applied for a job there.

Mr. Marling said, however, that the agency did not keep applications longer than two years. Mr. Tafoya had testified that he applied for a job in 1977.

The prosecution contends that Mr. Tafoya was hired by Edwin P. Wilson, a former intelligence agent, to kill Mr. Zagallai. Mr. Wilson is now a fugitive from a Federal indictment charging him with shipping explosives to Libya.

Mr. Marling said that if Mr. Tafoya had been hired by a C.I.A. agent on a contract basis, there would have been a record. He said there would also have been a record if an agent had asked Mr.

Tafoya to carry a message for the agency.

Case Ready for Jury

Mr. Tafoya said the message he was carrying warned Mr. Zagallai to halt his dissident activities.

The defense rested after Mr. Tafoya's testimony, and it appeared that the case could go to the jury Tuesday.

In other testimony, Mr. Tafoya disclosed the circumstances surrounding his court-martial while he was serving as a Green Beret in Vietnam in 1965.

Mr. Tafoya, 47 years old, said that his company was attacked while on a mission and that he believed many casualties could have been avoided if there had been air cover. He said he criticized the company commander and was court-martialed for being disrespectful to an officer.

He was demoted from sergeant to private because of the incident.

The prosecution has tried to show that Mr. Tafoya might have been hired to kill Mr. Zagallai because of the victim's outspoken criticism of the Libyan leader, Col. Muammar el-Qaddafi.

Mr. Tafoya has been painted by the defense as a patriot who acted in self-defense.